

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

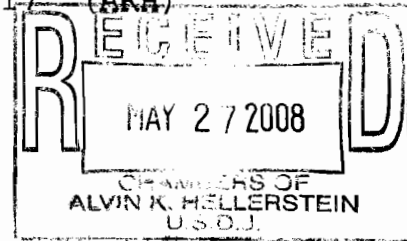
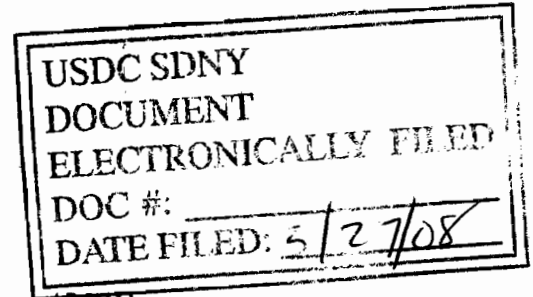
CEDRIC FLEMING, :

Defendant. :

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ORDER


08 Cr. 317 (AKH)



Upon the annexed Affirmation and Application of the United States Attorney for the Southern District of New York, by Assistant United States Attorney Natalie Lamarque, pursuant to the All Writs Act, Title 28, United States Code, Section 1651, requesting that an Order be issued unsealing the Bronx County District Attorney's Office files and grand jury testimony listed below, to permit review of the files and grand jury testimony, and any other documents contained therein,

IT IS HEREBY ORDERED, that the files maintained by the Bronx County District Attorney's Office and the grand jury testimony and associated court files relating to the January 17, 2008 arrest of CEDRIC FLEMING, the defendant (Arrest No. B0860522; NYSID No. 07446928J), be unsealed to permit review of the contents of the files and testimony.

Dated: New York, New York  
May 27, 2008

  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF NEW YORK

— — — — — X

UNITED STATES OF AMERICA

-v.-

Defendant.

1. I am an Assistant United States Attorney in the

07446928J), solely for the purpose of the federal case against the defendant. This request is being made, *inter alia*, so that the United States Attorney's Office, pursuant to its obligations under the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, Title 18, United States Code, Section 3500, as well as *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and their progeny, can produce any appropriate statements or evidence in this

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : **AFFIRMATION AND**  
: **APPLICATION**

-v.- : 08 Cr. 317 (AKH)

CEDRIC FLEMING, :

:

Defendant.

:

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NATALIE LAMARQUE, pursuant to Title 28, United States  
Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the  
office of Michael J. Garcia, United States Attorney for the  
Southern District of New York. I make this Affirmation and  
Application, pursuant to the All Writs Act, Title 28, United  
States Code, Section 1651, for an order to unseal the Bronx  
County District Attorney's Office files and the grand jury  
testimony relating to the January 17, 2008 arrest of CEDRIC  
FLEMING, the defendant (Arrest No. B0860522; NYSID No.  
07446928J), solely for the purpose of the federal case against  
the defendant. This request is being made, *inter alia*, so that  
the United States Attorney's Office, pursuant to its obligations  
under the Federal Rules of Evidence, the Federal Rules of  
Criminal Procedure, Title 18, United States Code, Section 3500,  
as well as *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v.*  
*United States*, 405 U.S. 150 (1972), and their progeny, can  
produce any appropriate statements or evidence in this

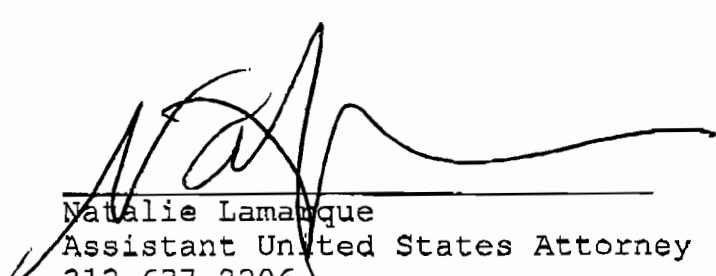
prosecution and comply with its obligations.

2. I am the federal prosecutor in charge of the pending prosecution of CEDRIC FLEMING, the defendant. FLEMING is currently charged with one count of possessing a firearm while having been convicted of a crime punishable by more than one year of imprisonment, in violation of Title 18, United States Code, Section 922(g)(1). The Bronx County District Attorney's Office files and the grand jury testimony relating to the January 17, 2008 arrest of FLEMING are believed to contain information relevant to the pending prosecution.

3. I have been informed by the Bronx County District Attorney's Office that the grand jury testimony and anything else relating to the grand jury proceeding will not be disclosed without an unsealing order.

4. Accordingly, the Government respectfully requests that the Court issue an order directing the unsealing of the files in the possession of the Bronx County District Attorney's Office and the grand jury testimony relating to the arrest of CEDRIC FLEMING, the defendant, on January 17, 2008.

WHEREFORE, it is respectfully requested that the Court grant this Application for an Order unsealing the Bronx County District Attorney's Office files and the grand jury testimony relating to the arrest of CEDRIC FLEMING, the defendant, on January 17, 2008.



Natalie Lamarque  
Assistant United States Attorney  
212-637-2206

Dated: New York, New York  
May 27, 2008